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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMEER NICOLA KHOURY,
a/k/a SAMEER KHOURY,

Defendant.

No. CR 12 0441 EMC

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE HEARING
FROM JULY 25, 2012 TO AUGUST 29,
2012 DUE TO DEFENSE COUNSEL'S
MEDICAL MATTER AND FINDING
OF EXCLUDABLE TIME UNDER
THE SPEEDY TRIAL ACT

Defendant Sameer Khoury, by his Counsel, Steven F. Gruel, and the United States of American, by its Counsel, Assistant United States Attorney Susan E. Badger, hereby respectfully request that the court date currently scheduled for July 25, 2012 be continued to August 29, 2012 at 2:00 p.m., or as soon thereafter as is convenient for the Court. The good cause for this request is due to defense counsel's medical matter which has rendered him temporarily disabled. Specifically, in late March 2012, Mr. Gruel received outpatient care for a torn retina. Recovery was interrupted when on June 18, 2012 the retina continued to tear and unexpectedly detached. Mr. Gruel received emergency surgery for

STIP. & [PROP.] ORDER
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1 the detached retina with a procedure involving placing a "buckle" around the eye and also
2 injecting a gas bubble in the eye. Mr. Gruel's surgeons consider him temporarily disabled.
3 The left eye remains swollen shut and will be for at least another 3 to 4 weeks. He has
4 limited reading and typing ability. Travel is restricted and he is prohibited from flying
5 because of the gas bubble. Mr. Gruel's next check-up with the surgeons is scheduled for
6 July 25, 2012. While Mr. Gruel has informed his client of his medical emergency, he has
7 been able to do very little in preparing and investigating the defendant's case because of
8 his temporary disability

9 The government does not oppose this defense request.

10 Based on the above, it is also stipulated that the need for continuity of counsel and the
11 effective preparation of counsel provide grounds for a finding of excludable time under
12 the Speedy Trial Act (Title 18, United States Code, Section 3161) until August 29, 2012.

13
14 Respectfully submitted,

15 Dated: July 24, 2012

MELINDA HAAG
United States Attorney

16
17 /s/

SUSAN E. BADGER
Assistant United States Attorney

18
19
20 Dated: July 24, 2012

/s/

STEVEN GRUEL
Counsel for Defendant
Sameer Nicola Khoury

1 [PROPOSED] ORDER

2 For good cause appearing, IT IS HEREBY ORDERED THAT the status hearing in the
3 above-captioned case is continued from July 25, 2012 to August 29, 2012 at 2:00 p.m.

4 IT IS FURTHER ORDERED THAT, in light of the reasons necessitating the request for
5 the continuance, the time from July 25, 2012 to August 29, 2012 is excluded from the
6 time requirements of the Speedy Trial Act, 18 U.S.C. § 3161, in order to provide the
7 defendant with continuity of counsel and defense counsel with reasonable time for
8 effective preparation, taking into account due diligence.

9 18 U.S.C. § 3161(h)(7)(A) and (B)(v).

10 IT IS SO ORDERED.

11
12 Dated: 7/25/12

13 EDWARD
14 United Sta

